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ADOPTION OF COMMITTEE RULES AND RATIFICATION OF
SUBCOMMITTEE ASSIGNMENTS

Tuesday, January 24, 2017

House of Representatives,
Committee on the Judiciary,
Washington, D.C.

The committee met, pursuant to call, at 11:11 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Goodlatte, Smith, Chabot, Issa, King, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy, Labrador, Farenthold, Buck, Ratcliffe, Bishop, Roby, Gaetz, Johnson of Louisiana, Biggs, Conyers, Nadler, Lofgren, Jackson Lee, Johnson of Georgia, Chu, Gutierrez, and Raskin.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian and

General Counsel; Alley Adcock, Clerk; Perry Apelbaum, Minority Chief Counsel and Chief of Staff; Danielle Brown, Minority Legislative Counsel and Parliamentarian; Aaron Hiller, Minority Oversight Counsel; Slade Bond, Minority Counsel; James Park, Minority Chief Constitution Counsel; and Joe Ehrenkrantz, Minority Professional Staff.

Chairman Goodlatte. The Judiciary Committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

The clerk will call the roll to establish a quorum.

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. Present.

Ms. Adcock. Mr. Sensenbrenner?

[No response.]

Ms. Adcock. Mr. Smith?

[No response.]

Ms. Adcock. Mr. Chabot?

[No response.]

Ms. Adcock. Mr. Issa?

[No response.]

Ms. Adcock. Mr. King?

Mr. King. Here.

Ms. Adcock. Mr. Franks?

[No response.]

Ms. Adcock. Mr. Gohmert?

[No response.]

Ms. Adcock. Mr. Jordan?

[No response.]

Ms. Adcock. Mr. Poe?

[No response.]

Ms. Adcock. Mr. Chaffetz?

Mr. Chaffetz. Present.

Ms. Adcock. Mr. Marino?

[No response.]

Ms. Adcock. Mr. Gowdy?

[No response.]

Ms. Adcock. Mr. Labrador?

Mr. Labrador. Here.

Ms. Adcock. Mr. Farenthold?

Mr. Farenthold. Present.

Ms. Adcock. Mr. Collins?

[No response.]

Ms. Adcock. Mr. DeSantis?

[No response.]

Ms. Adcock. Mr. Buck?

Mr. Buck. Present.

Ms. Adcock. Mr. Ratcliffe?

[No response.]

Ms. Adcock. Mr. Bishop?

Mr. Bishop. Present.

Ms. Adcock. Mrs. Roby?

[No response.]

Ms. Adcock. Mr. Gaetz?

Mr. Gaetz. Present.

Ms. Adcock. Mr. Johnson?

Mr. Johnson of Louisiana. Present.

Ms. Adcock. Mr. Biggs?

Mr. Biggs. Here.

Ms. Adcock. Mr. Conyers?

Mr. Conyers. Present.

Ms. Adcock. Mr. Nadler?

Mr. Nadler. Present.

Ms. Adcock. Ms. Lofgren?

Ms. Lofgren. Here.

Ms. Adcock. Ms. Jackson Lee?

Ms. Jackson Lee. Here.

Ms. Adcock. Mr. Cohen?

[No response.]

Ms. Adcock. Mr. Johnson?

Mr. Johnson of Georgia. Present.

Ms. Adcock. Ms. Chu?

Ms. Chu. Here.

Ms. Adcock. Mr. Deutch?

[No response.]

Ms. Adcock. Mr. Gutierrez?

Mr. Gutierrez. I am here.

Ms. Adcock. Ms. Bass?

[No response.]

Ms. Adcock. Mr. Richmond?

[No response.]

Ms. Adcock. Mr. Jeffries?

[No response.]

Ms. Adcock. Mr. Cicilline?

[No response.]

Ms. Adcock. Mr. Swalwell?

[No response.]

Ms. Adcock. Mr. Lieu?

[No response.]

Ms. Adcock. Mr. Raskin?

Mr. Raskin. Here.

Ms. Adcock. Ms. Jayapal?

[No response.]

Chairman Goodlatte. The gentleman from South Carolina.

Mr. Gowdy. Here.

Chairman Goodlatte. The clerk will report. Oh, actually, the gentleman from Texas, Mr. Smith.

Ms. Adcock. Mr. Smith?

Mr. Smith. Present.

Chairman Goodlatte. The clerk will report.

Ms. Adcock. Mr. Chairman, 20 members reported present.

Chairman Goodlatte. And a working quorum is present.

I would like to begin by welcoming everyone to the Judiciary Committee for the 115th Congress. I anticipate that we will have another exciting term and look forward to working with each and every one of you.

And now I would like to take a moment and introduce some of the

newest Judiciary Committee members.

Martha Roby has not yet joined us, so we will turn to her later.

But Matt Gaetz grew up in northwest Florida and, prior to coming to Congress, worked as an attorney in Fort Walton Beach. He was elected to the Florida State legislature in 2010, where he served as chairman of the Criminal Justice Subcommittee and was an advocate for victims of crime and a strong defender of the Second Amendment. He earned his bachelor's degree from Florida State University and his law degree from the William and Mary Law School.

Mike Johnson joins us from Louisiana's Fourth District. With nearly 20 years of experience, his extensive background in constitutional law and litigation has prepared him well for service on the House Judiciary Committee. He served in the Louisiana House of Representatives, where as a freshman he was named co-chairman of the Judiciary Committee. Congressman Johnson earned his undergraduate degree and J.D. from Louisiana State University.

Andy Biggs joins the committee from Arizona's Fifth District. Before being elected to Congress, he worked as an attorney and served in both the Arizona House of Representatives and State Senate, where for the past 4 years he served as the Arizona Senate president. Representative Biggs received his bachelor's degree from Brigham Young University, his master's degree from Arizona State University, and his J.D. from the University of Arizona.

I hope you will join me in welcoming these new members.

[Applause.]

Chairman Goodlatte. And I now turn to the ranking member to introduce the new members on his side of the aisle.

Mr. Conyers. Thank you, Chairman Goodlatte.

Greetings, everyone. I want to welcome new and returning members and to congratulate you on assuming the role of chairman of this committee for the second Congress.

The issues we consider in this committee will continue to be some of the most contentious and important in Congress. I am confident that under your leadership we will continue to seek out areas of collaboration and compromise while also approaching our disagreement with respect for our colleagues and this institution. Chairman Goodlatte, I look forward to working with you and your staff in the 115th Congress.

Now, in introducing our four new members joining us this Congress: Congressman Eric Swalwell, Congressman Ted Lieu, Congressman Jamie Raskin, and Congresswoman Pramila Jayapal.

This is Congressman Swalwell's third term representing the 15th District of California. Before coming to Congress, he spent 7 years as a prosecutor in Alameda County and also served on the Dublin City Council.

This is Congressman Ted Lieu's second term representing the 33rd District of California. Before coming to Congress, he served as an officer in the United States Air Force, practiced law, and served in both the California State Assembly and Senate.

This is Congressman Jamie Raskin's first term representing the

Eighth District of Maryland. Before coming to Congress, he worked as a professor of constitutional law at American University's College of Law and served in the Maryland State Senate. And he is also our new vice ranking member for the full committee.

And, finally, this is Congresswoman Pramila Jayapal's first term representing the Seventh District of Washington. Before being elected to Congress, she founded a civil rights and immigration advocacy organization and served in the Washington State Senate.

We welcome all of our new members and look forward to working with you.

Let's give them a round of applause.

[Applause.]

Chairman Goodlatte. Thank you, Mr. Conyers.

And now I would like to take the opportunity to introduce one more new member on our side of the aisle. We are very pleased to have Martha Roby, who is in her fourth term as a Member of the House, and she is from the Second District of Alabama.

Prior to running for Congress, she worked as an attorney and served on the city council in her hometown of Montgomery. She is a strong advocate for the military and is a member of the Appropriations Committee in addition to serving on the Judiciary Committee. She received her bachelor's degree from New York University and her law degree from the Cumberland School of Law at Samford University.

Please welcome Mrs. Roby.

[Applause.]

Chairman Goodlatte. Pursuant to notice, our next order of business is the adoption of the committee rules for the 115th Congress, a copy of which each of you have.

The clerk will report the rules.

Ms. Adcock. U.S. House of Representatives, Committee on the Judiciary, Rules of Procedure.

Chairman Goodlatte. Without objection, the rules will be considered as read.

[The information follows:]

***** INSERT 1-1 *****

Chairman Goodlatte. And I will begin by recognizing myself and then the ranking member for an opening statement.

For the 115th Congress, I am proposing that the committee adopt the same rules of procedure that we used last Congress. At the beginning of each of the past two Congresses, we made several modest changes to the rules that I believe improved the functioning of the committee. I do not think we need to make any further changes this Congress.

Accordingly, the proposed rules that you all have in front of you are identical to the rules that we adopted at the beginning of the last Congress by voice vote. I believe that these rules served us well last Congress and will continue to serve us well in this Congress. And I urge you to join me in supporting the adoption of the proposed Judiciary Committee rules and procedures.

And I now recognize the ranking member, Mr. Conyers.

Mr. Conyers. Thank you, Chairman Goodlatte.

As you mentioned, the rules for the 115th Congress remain unchanged from the 114th Congress.

As noted last Congress, the rules package will permit the chairman to issue subpoenas unilaterally without debate in the committee or the concurrence of the ranking member. Prior to the 114th Congress, the chairman had the power to issue a subpoena only when authorized to do so by a majority of our members.

This is as it should be for two reasons. First, a congressional subpoena is a powerful and coercive tool and should be a method of last

resort in the conduct of our oversight responsibilities. Secondly, this committee functions best when it conducts its business in public.

Our members on both sides of the aisle will have something to say about any subpoena issued by this committee. Our constituents have a right to know our reasons for authorizing such an action.

I continue to have these concerns but note that last Congress you were true to your word that your intention is to avoid using this new authority. I believe that we continue to agree that it is better to reach consensus here with the whole committee than it is to exercise a unilateral subpoena power that has never been a part of our traditions.

I appreciate your continued willingness to work with me to help ensure that, in the extraordinary circumstances that the committee does not have an opportunity to vote on a subpoena, appropriate consultation takes place.

I thank you and yield back the balance of my time.

Chairman Goodlatte. Thank you, Mr. Conyers.

Are there any amendments to the committee rules?

The question occurs on adopting the rules of the committee on the Judiciary Committee for the 115th Congress. A quorum is now present.

All those in favor will respond by saying aye.

Those opposed, no.

The ayes have it, and the rules are adopted.

The next order of business is the ratifying of the subcommittee assignments for the 115th Congress, and every member should have a copy

on his or her desk.

And the clerk will report the subcommittee assignments.

Ms. Adcock. Committee on the Judiciary, 115th Congress,
Subcommittee Assignments. Subcommittee on --

Chairman Goodlatte. Without objection, the subcommittee
assignments are considered as read.

[The information follows:]

***** INSERT 1-2 *****

Chairman Goodlatte. And I will begin by recognizing myself for a statement.

Before we vote to ratify the subcommittee assignments, I want to take a moment and introduce our subcommittee chairmen and vice chairmen.

For the Subcommittee on the Constitution and Civil Justice, Congressman Steve King will serve as chairman and Congressman Ron DeSantis will serve again as vice chairman.

At the Subcommittee on Courts, Intellectual Property, and the Internet, Darrell Issa will again serve as chairman and Congressman Doug Collins will again be the vice chairman.

The Subcommittee on Crime, Terrorism, Homeland Security, and Investigations will be chaired by Congressman Trey Gowdy. Congressman Louie Gohmert will again serve as vice chairman.

At the Subcommittee on Immigration and Border Security, Chairman Emeritus Jim Sensenbrenner will serve as chairman, with Congressman Raul Labrador serving again as vice chairman.

Finally, the Subcommittee on Regulatory Reform, Commercial and Antitrust Law will again be chaired by Tom Marino, with Congressman Blake Farenthold serving again as vice chairman.

I now recognize the gentleman from Michigan to give his statement regarding our subcommittee assignments and ranking members.

Mr. Conyers. Thank you.

Members, we have three members who are returning to their roles as lead Democrats on their respective subcommittees.

First, Congressman Jerry Nadler of New York will serve as ranking member of the Courts, Intellectual Property, and the Internet Subcommittee.

Representative Zoe Lofgren of California will serve as ranking member of the Subcommittee on Immigration Policy and Enforcement.

Representative Steve Cohen of Tennessee will continue to serve as ranking member for the Subcommittee on the Constitution and Civil Justice.

Representative Sheila Jackson Lee will return as ranking member for the Subcommittee on Crime, Terrorism, and Homeland Security.

Finally, I want to congratulate Congressman David Cicilline for becoming the new ranking member of the Subcommittee on Regulatory Reform, Commercial Law, and Antitrust Law.

Thank you.

Chairman Goodlatte. Thank you, Mr. Conyers.

The question is on approving the appointments and assignments for subcommittee chairs, vice chairs, ranking members, and majority and minority members as shown on the roster before you.

All in favor, respond by saying aye.

Those opposed, no.

The ayes have it, and the assignments are approved.

This concludes our business for today --

Ms. Jackson Lee. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. To strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Jackson Lee. Let me offer my congratulations to the chairman and ranking member. The collegiate way in which Mr. Conyers and Mr. Goodlatte worked in the last session while maintaining their own commitment to their principles and to the importance of this committee ought to be commended. And I want to congratulate the chairpersons and the ranking members as well.

I want to raise a question, Mr. Chairman, about the Crime, Terrorism, and Homeland Security Committee. Mr. Chairman?

The definition given for the committee in its definition speaks to the criminal code, drug enforcement, sentencing, parole, pardons, internal homeland security. It does not specifically mention in the body of the definition the responsibilities with respect to terrorism. And I think in the body of the definition it should indicate our role in the prevention, if you will, of the acts dealing with terrorism.

Chairman Goodlatte. We have already approved the rules. Are you looking for a change in the rules, or --

Ms. Jackson Lee. Well, then I would ask for a consideration of review and to be noticed for another committee to address the rule question on the definition of the jurisdiction of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Chairman Goodlatte. I would be happy to -- if the gentlewoman would consult with me and my staff afterwards, I would be happy to

discuss that with you.

I am not sure that we can change that definition without the rules of the House being changed, because the language regarding the jurisdiction of each subcommittee is largely covered by the rules of the House, which dictate what our jurisdiction is in the full committee. We then take that and divide that amongst the various subcommittees.

I don't believe we have changed any of the wording from the last Congress, but if there is something that we can look into, we would certainly be happy to discuss that with you.

Ms. Jackson Lee. Well, I will be more than happy, Mr. Chairman, to discuss it with both you and the ranking member and staff. Thank you very much.

Chairman Goodlatte. I thank the gentlewoman.

Ms. Jackson Lee. I yield back.

Chairman Goodlatte. This concludes the business of the committee today. I want to thank you all for attending, and we look forward to a very busy year.

The committee is adjourned.

[Whereupon, at 11:30 a.m., the committee was adjourned.]